

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,  
Plaintiff,**

**v.  
AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

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**CIVIL ACTION NO. 3:17-01362**

**CABELL COUNTY COMMISSION,  
Plaintiff,**

**v.  
AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

*Consolidated case:*

**CIVIL ACTION NO. 3:17-01665**

**PLAINTIFFS' NOTICE OF INTENT TO SERVE TRIAL SUBPOENA**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 45(a)(4), Plaintiffs, the City of Huntington and Cabell County Commission, by and through undersigned counsel, will serve the following third-party subpoenas as soon as practicable:

- Subpoena to Testify at Trial to Richard B. Fillmore, Pharmacist-in-Charge, Discount Emporium, Inc., d/b/a Drug Emporium #1
- Subpoena to Testify at Trial to Robert A. Petrzsak, President, Discount Emporium, Inc., d/b/a Drug Emporium #1

Accompanying this Notice, please find a copy of the aforementioned subpoenas.

Dated: September 29, 2020

Respectfully submitted,

Plaintiffs,

THE CITY OF HUNTINGTON and  
CABELL COUNTY COMMISSION

/s/ Michael J. Fuller, Jr.

Michael J. Fuller, Jr. (WV Bar No. 10150)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 29, 2020, a copy of the foregoing **PLAINTIFFS' NOTICE OF INTENT TO SERVE TRIAL SUBPOENA** has been filed electronically using the Court's CM/ECF system and will be served *via* the Court's CM/ECF filing system, which will send notification of such filing to the attorneys of record at their e-mail addresses on file with the Court.

/s/ Michael J. Fuller, Jr..

Michael J. Fuller, Jr.